

DECLARATION FOR UTILITY PATENT APPLICATION (37 C.F.R. 1.63)		Attorney Docket No.	A792.12-0006
		First Named Inventor	Nicholas P. Van Brunt
		COMPLETE IF KNOWN	
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing	<input type="checkbox"/> Declaration Submitted after Initial Filing (Surcharge (37 C.F.R. 1.16(e)) Required)	Application Number	
		Filing Date	Herewith
		Group Art Unit	
		Examiner Name	

As a below named inventor, I hereby declare that my residence, post office address, and citizenship are as stated below.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
AIRWAY TREATMENT APPARATUS WITH BIAS LINE CANCELLATION

the specification of which:

☒ is attached hereto OR

☐ was filed on _____ as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Certified Copy Attached?	
			Yes	No

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is or disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

DIRECT ALL CORRESPONDENCE TO:

Name	David R. Fairbairn
Address	Kinney & Lange, P.A. THE KINNEY & LANGE BUILDING 312 South Third Street Minneapolis, Minnesota 55415 United States
Telephone	(612) 339-1863
Fax	(612) 339-6580

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sole Inventor:	
Given Name (First and middle (if any))	Family Name or Surname
Nicholas P.	Van Brunt
Inventor's Signature	Date: <i>October 4, 1999</i>
Residence	Citizenship: USA
Post Office Address	
City, State, Country	

**STATEMENT OF
SMALL ENTITY STATUS
(SMALL BUSINESS CONCERN)**

Attorney Docket No.

A792.12-0006

First Named Inventor : Nicholas P. Van Brunt

Title : AIRWAY TREATMENT APPARATUS WITH BIAS LINE CANCELLATION

With respect to the invention described in:

☒ the application filed herewith.

☐ Application No. _____, filed _____.

☐ Patent No. _____, issued _____.

I. STATEMENT OF QUALIFICATION AS A SMALL ENTITY

I am:

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN : American Biosystems, Inc.

ADDRESS OF CONCERN : 20 Yorkton Court

St. Paul, Minnesota 55117 USA

The above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.12, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under 35 U.S.C. 41(a) and (b).

II. STATEMENT OF OWNERSHIP

Rights under contract or law remain with or have been conveyed to the above-identified concern. If the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person who could not be classified as (1) an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, (2) a small business concern under 37 C.F.R. 1.9(d) or (3) a non-profit organization under 37 C.F.R. 1.9(e).

☒ There is no such person, concern or organization.

☐ The person(s), concern(s) or organization(s) is listed below:

FULL NAME _____

ADDRESS _____

- ☐ Individual
- ☐ Small Business Concern
- ☐ Non-Profit Organization

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change resulting in loss of entitlement to small entity status pursuant to 37 C.F.R. 1.28(b).

IV. SIGNATURE

Signature: Nicholas P. Van Brunt
Nicholas P. Van Brunt

Date: October 4, 1999

Title: Vice President of Research and Development

664007-6342F460

POWER OF ATTORNEY

Attorney Docket No.

A792.12-0006

First Named Inventor : Nicholas P. Van Brunt

Title : AIRWAY TREATMENT APPARATUS WITH BIAS LINE
CANCELLATION

In the patent application:

X identified above (and submitted to the Patent and Trademark Office herewith).

___ filed on ___ as Application No. ___

I appoint the attorneys and agents associated with Customer Number 00164 to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution and revocation.

I ratify all prior actions taken by Kinney & Lange, P.A. or the attorneys and agents mentioned above in connection with the prosecution of the above-mentioned patent application.

I authorize Kinney & Lange, P.A. to mark the appropriate space above and to insert the filing date and application number of the application, as appropriate.

Please address all correspondence and telephone calls to David R. Fairbairn at:

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, Minnesota 55415-1002
Phone: (612) 339-1863 Fax: (612) 339-6580

AMERICAN BIOSYSTEMS, INC.

Signature:

Nicholas P. Van Brunt
Nicholas P. Van Brunt

Dated: October 4, 1999

Title:

Vice President of Research and Development

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor : Nicholas P. Van Brunt Appln. No. : Filed : Herewith Title : AIRWAY TREATMENT APPARATUS WITH BIAS LINE CANCELLATION Docket No. : A792.12-0006	Group Art Unit: Examiner:
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SUBMISSION UNDER 37 C.F.R. 3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

American Biosystems, Inc., a Minnesota Corporation, is an owner of the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. A copy of which is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy of which is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy of which is attached.
3. From: _____ To: _____

The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy of which is attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, may be punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature: Nicholas P. Van Brunt Date: October 4, 1999
Nicholas P. Van Brunt

Title: Vice President of Research and Development